469.

SUPREME COURT OF THE UNITED STATES.

No. 69.

WILLIAM C. S. VENTRESS ET AL. EXECUTORS OF LOVICK VENTRESS, DECEASED, PLAINTIFFS IN ERROR.

VERSUS

NEAL SMITH, ADMINIS'TOR, &c., OF JOHN CLARK, DEC'D.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF MISSISSIPPI.

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NEAL SMITH, administrator, &c., of John Clark, deceased.
vs.
LOVICK VENTRESS's executors.

Pleas before the honorable Powhattan Ellis, district judge of the United States, in and for the district of Mississippi, at a district court begun and held at the city of Natchez, for the district aforesaid, on the fourth Monday of January, in the year of our Lord, one thousand eight hundred and thirty-four.

Be it remembered, that, heretofore, to wit, on the fifth day of April, in the year of our Lord, one thousand eight hundred and twenty-two, came Neal Smith, administrator, &c., of John Clark, deceased, by his attorney, R. H. Adams, to the clerk's office of the court aforesaid, and ordered out the following writ of *capias ad respondendum*, against Lovick Ventress, which is in the words and figures following, to wit: District of Mississippi, ss. The United States of America, to the marshal of the Mississippi district, greeting:

We command you, without delay, to take Lovick Ventress, a citizen of the State of Mississippi, and resident within the said district, if in your district he may be found, and him safely keep, so that you may have his body before the judge of the district court of the United States, at a court to be held at Columbia, for the district aforesaid, on the first Monday of July next, to answer to Neal Smith, a citizen of the State of Alabama, and resident therein, who is administrator to collect, &c., of all the goods and chattels, rights and credits, of John Clark, deceased, who, at the time of his death, was a citizen of the State of Alabama, in a plea that the said defendant, render to said plaintiff, as such administrator as aforesaid, five negro slaves, of great value, to wit, of the value of three thousand dollars, which, from said plaintiff, as such administrator as aforesaid, said defendant unjustly detains, to said plaintiff's damage, five thousand dollars, and that he do file his plea or defence, with the clerk of said court, on or before the meeting, or judgment will be given against him, by default, and have then there this writ.

Witness, the honorable William B. Shields, judge of the district afore-
[L. S.] said, at Columbia, the first Monday of January, A. D. 1822, and of the independence of the United States the forty-sixth.

WILLIAM BURNS, *Clerk.*

Upon which said writ, the marshal of the district aforesaid, to whom the same was directed, by his deputy, made the following return, to wit: "Executed, April 22d, 1822. JOHN CONNELL, D. M."

Afterwards, to wit, on the fifth day of April, A. D. one thousand eight hundred and twenty-two, the said plaintiff, by his attorney aforesaid, filed his bill herein, against the said defendant, which said bill follows in these words and figures, to wit:

UNITED STATES OF AMERICA, *State of Mississippi.* } In the district court of the United States for the district of Mississippi, for July term, 1822.

Neal Smith, a citizen of the State of Alabama, one of the said United States, and resident therein, administrator to collect, &c., of all the goods and chattels, rights and credits, of John Clark, deceased, who, at the time of his decease, was a citizen of said State of Alabama, by his attorney, complains of Lovick Ventress, a citizen of the State of Mississippi, and resident within the district afore-

said, in custody, &c., in a plea, that he render to him, as such administrator as aforesaid, five negro slaves, of great value, to wit, of the value of three thousand dollars, current money of the said United States, which, from him, as such administrator as aforesaid, the said defendant unjustly detains. For that, whereas, the said Neal Smith, as such administrator as aforesaid, on the first day of January, in the year 1820, and after the death of said John Clark, at Woodville, to wit, in the district aforesaid, was lawfully possessed of divers goods and chattels, to wit, of one negro man slave, named Dick; one woman slave, named Fany; one negro girl slave, named Fan; one negro girl slave, named Peggy; and one negro boy slave, named Dick; of great value, to wit, of the value of three thousand dollars, current money of the said United States, as of his property, as such administrator as aforesaid, and, being so possessed thereof, the said Neal Smith, afterwards, to wit, on the day and year last aforesaid, at Woodville, to wit, in the district aforesaid, casually lost said goods and chattels, to wit, said negro slaves, out of his possession; and the said goods and chattels, to wit, said negro slaves, then and there came to the possession of the said defendant, by finding. Yet the said defendant, well knowing the said goods and chattels, to wit, the said negro slaves, to be the property of the said Neal Smith, as such administrator aforesaid, and of right to belong and appertain to the said plaintiff, as such administrator as aforesaid, hath not, as yet, delivered the said goods and chattels, to wit, said negro slaves, or any or either of them, or any part thereof, to the said plaintiff, although often requested so to do, but hath, hitherto, wholly refused so to do; and hath detained, and still doth detain, the same from the said plaintiff, as such administrator as aforesaid, to wit, at Woodville, in the district aforesaid, on the day and year last aforesaid, to the damage of said plaintiff, as such administrator as aforesaid, five thousand dollars, and, therefore, he brings his suit. And the said Neal Smith brings into court here, the said letters of administration to collect, &c., granted by the honorable the court of probates, for the county of Wilkinson, which will sufficiently show to said court, the grant of administration as aforesaid, the date whereof, &c.

R. H. ADAMS, *for plaintiff.*

Letters of administration filed with narr.

STATE OF MISSISSIPPI, *Wilkinson county.* } To all to whom these presents shall come, greeting:

Know ye, that whereas John Clark, of Clark county, in the State of Alabama, as it is said, had, at his decease, personal property within this State, the administration whereof cannot immediately be granted, but which, if speedy care be not taken, may be lost, destroyed or diminished, to the end, therefore, that the same may be preserved for those who shall appear to have a legal right or interest therein; we do, hereby, request and authorize Neal Smith to secure and collect the said property, wheresoever the same may be, in this State or in Wilkinson county, whether it be goods, chattels, debts or credits, and to make, or cause to be made, a true and perfect inventory thereof, and to exhibit the same, with all convenient speed, together with a reasonable account of his collection, into the office of the register of the orphans court of the county of Wilkinson.

Witness, the honorable Thomas H. Prosser, judge of probate of Wilkinson county.

[NO SEAL OF OFFICE.]

C. C. WEST, *Register, W. C. P.*

And the said defendant, by his attornies, Reed & Davis and Harry Cage, comes and defends the wrong and injury when, &c., and says, the plaintiff afore-

said, his action aforesaid, against him to have and maintain, ought not; because, he says, he does not detain the said negro slaves, in the said plaintiff's declaration mentioned, in manner and form, as the said plaintiff hath above declared against him, and of this he putteth himself upon the country.

REED & DAVIS AND HARRY CAGE,
Defendant's attornies.

And the plaintiff doth the like.

R. H. ADAMS, *for Plaintiff.*

Afterwards, to wit, at the April term of the court, aforesaid, to wit, on the fifth day of April, in the year of our Lord, one thousand eight hundred and twenty-three, until which term this cause was regularly continued, came the said plaintiff, by his attorney, aforesaid, and gives the court here to understand, and be informed, that since the last continuance of this cause, the said defendant, Lovick Ventress, hath died, which is not denied, but admitted to be true, and this cause was then legally continued.

Afterwards, to wit, on the fourth day of May, A. D. 1823, the following writ of *scire facias* issued from the clerk's office of the court aforesaid, to wit:

District of Mississippi: ss. The United States of America, to the marshal of said district, greeting:

Whereas, Neal Smith, a citizen of the State of Alabama, and administrator, &c. of John Clark, deceased, lately, in our district court, brought his action against Lovick Ventress, late a citizen of the State of Mississippi, in a plea of detinur, and the said Lovick Ventress, the defendant in the action aforesaid, before final judgment thereon, died; and the court is informed, that Elizabeth Ventress is administratrix of the goods and chattels, &c., of the said Lovick Ventress, deceased, and the said Neal Smith, administrator as aforesaid, hath besought the court to grant him a proper remedy in that behalf, and the court being willing that what is right should be done in the premises: you are hereby commanded to make known to the said Elizabeth Ventress, administratrix as aforesaid, that she be and appear before the judge of the district aforesaid, at a court to be held at Natchez, on the first Monday in October next, to show cause, if any she can, why judgment, in the action aforesaid, should not be awarded for the said Neal Smith against the said Elizabeth Ventress, administratrix as aforesaid, according to the form of the statute, in such case made and provided, and, further, to do and receive what the said court shall then and there consider in this behalf.

Witness, the honorable William B. Shields, judge of the district afore-
[L. S.] said, at the city of Natchez, the first Monday in April, A. D. 1823, and in the forty-seventh year of the independence of the United States.

WM. BURNS, *Clerk.*

Upon which *scire facias*, the marshal of the district aforesaid, to whom the same was directed, by his deputy, made the following return, to wit: "I have made known to the within named Elizabeth Ventress, that she be and appear at the time and place, as I am commanded by the within writ.

JOHN CONNELL, D. M."

Afterwards, to wit, at the October term of the court aforesaid, in the year of our Lord, one thousand eight hundred and twenty-three, came, as well the said plaintiff, by his attorney aforesaid, as the said Elizabeth Ventress, administratrix as aforesaid, by Reed & Davis, her attornies, and this cause was then legally

continued. Afterwards, to wit, at the April term of the court aforesaid, in the year of our Lord, one thousand eight hundred and twenty-five, until which term this cause was legally continued, came the said plaintiff, by his attorney aforesaid, and gives the court here to understand and be informed, that, since the last continuance of this cause, the said defendant, Elizabeth Ventress, administratrix as aforesaid, hath died, which is not denied, but admitted to be true, and this cause was then legally continued.

Afterwards, to wit, on the twenty-first day of February, A. D. 1827, the following *scire facias* issued from the clerk's office of the court aforesaid, to wit:

DISTRICT OF MISSISSIPPI, *ss.*

The United States of America to the marshal of the Mississippi district, greeting:

Whereas Neal Smith, a citizen of the State of Alabama, administrator, &c., of all and singular the goods and chattels, rights and credits, which were of John Clark, deceased, who, at the time of his decease, was a citizen of the State of Alabama, lately, in our district court, brought his action against Lovick Ventress, a citizen of the State of Mississippi, in a plea of detinur; and the said Lovick Ventress, the defendant in the action aforesaid, before final judgment therein, died, and the court being informed that William C. S. Ventress, Abraham M. Feltus, and his wife, Ann Eliza Feltus, citizens of the State of Mississippi, are the executors of the last will and testament of the said Lovick Ventress, deceased; and the said Neal Smith, administrator as aforesaid, hath besought the court to grant him a proper remedy in that behalf, and the court being willing that what is right should be done in the premises—you are hereby commanded to make known to the said William C. S. Ventress, Abraham M. Feltus, and his wife Ann Eliza, executors as aforesaid, that they be and appear before the judge of the district aforesaid, at a district court to be held at the city of Natchez, on the first Monday in April next, to show cause, if any they can, why judgment, in the action aforesaid, should not be awarded for the said Neal Smith, administrator as aforesaid, against the said William C. S. Ventress, Abraham M. Feltus, and his wife, Ann Eliza Feltus, executors, as aforesaid, according to the form of the statute in such case made and provided; and, further, to do and receive what the said court shall then and there consider in this behalf; and have then there this writ.

Witness, the honorable Peter Randolph, judge of the district aforesaid, [L. s.] at the city of Natchez, the first Monday in October, A. D. 1826, and in the fifty-first year of the independence of the United States.

WM. BURNS, *Clerk.*

Upon which *scire facias*, the marshal of the district aforesaid, to whom the same was directed, made the following return, to wit: "I have made the within process known to the within named William C. S. Ventress, Abraham M. Feltus, and his wife, Ann Eliza Feltus, they having acknowledged service thereof.

JOHN H. NORTON, *Marshal.*

Afterwards, to wit, at the January term of the court aforesaid, in the year of our Lord, one thousand eight hundred and thirty-four, to which term this cause was regularly continued by consent, came Neal Smith, administrator, &c., as aforesaid, by his attorney, George Winchester, and the said defendants, William C. S. Ventress, Abraham M. Feltus, and his wife, Ann Eliza Feltus, executors of the last will and testament of Lovick Ventress, deceased, by their attorney, John Henderson, and the marshal of the district aforesaid having summoned

certain good and lawful men of this district, according to the statute in such case made and provided, to be and appear before the judge of the district aforesaid, at the said term of the court last aforesaid, by whom, &c., and who neither, &c., to recognize, &c., because, &c., the same day is given to the parties aforesaid, then, &c., at which term of the court last aforesaid, the jurors of the jury of which mention is above made, being called, certain of them came, to wit:

Stephen Terry,	King H. Holmes,
James H. Watson,	John C. Johnson,
John R. Brown,	James Jones, Jr.,
John Clawson,	Daniel Mackey,
Joseph Dunbar,	John J. Robinson,
John J. Griffin,	Jonathan Sly:

who, being empannelled, tried and sworn to speak the truth concerning the matters within contained, do say, upon their oaths, that the said defendants, executors, as aforesaid, do detain from the said Neal Smith, administrator as aforesaid, the said negro slaves, in the declaration aforesaid mentioned, in manner and form above specified, as the said plaintiff hath above against them complained; and they do assess the damages of the said plaintiff, for the value of the said Dick, to three hundred dollars, of Fanny, to two hundred and fifty dollars, of Fan, to five hundred and fifty dollars, of Peggy, to five hundred and fifty dollars, and of Richard, (or Dick,) to six hundred and fifty dollars; and they do also assess the damages of the said plaintiff for the detention of said slaves, to two thousand and two hundred dollars.

Bill of exceptions, No. 1.

Lovick Ventress's executors, *ads.* Neal Smith, administrator, &c., of John Clark, deceased. } District court of the United States, for the District of Mississippi. January term, A. D. 1834.

Be it remembered, that, on the trial of this cause, the plaintiff offered, in evidence, the deposition of Niel McNair, the answer of which witness to the 10th cross interrogatory—("10th cross interrogatory." Were they not sent away, or entrusted to some person to be removed and sold, by the administrator or administratrix, or other personal representative of the said John Clark, in the State of Alabama? Answer. Deponent saith that he hath reason to believe, and doth believe, that the said negroes were removed and sold, not by the authority or request of the administratrix, or any other person representing said estate")—the defendants, by their counsel, objected to as evidence to the jury, on the ground of being inadmissible from the manner of its answer, and moved the court to rule it out as inadmissible testimony. But the court overruled the application of the defendant's counsel, and permitted the said answer to be read to the jury as evidence in the cause; to which decision of the court the defendants, by their counsel, took and tendered this their bill of exceptions, which is signed and allowed by the court, and ordered to be enrolled, &c. &c.

POWHATTAN ELLIS, [L. S.]

Bill of exceptions, No. 2.

Lovick Ventress's executors, *ads.* Neal Smith, administrator, &c., of the estate of John Clark, dec'd. } District court of the United States for the Mississippi district. January term, A. D. 1834.

Be it remembered, that, on the trial of this cause, the plaintiff proved in evidence to the jury, in support of his action, that the slaves in controversy were the property of John Clark, and in his possession at the time of his death, in Clark county, State of Alabama. That the said Clark died in 1818, and his widow, Abigail Clark, thereupon became his administratrix, and gave bond with Neal Smith, (the plaintiff,) as one of her securities. That the said Abigail, in May, 1819, intermarried with John Farrington, and in June, 1819, filed her inventory of John Clark's estate, including therein the slaves sued for. That, on the 1st of November, 1819, Neal Smith and John D. Curtis, securities for the administration of Clark's estate, reported to the county court of Clark county, "that the said administratrix and her husband was embezzling the said estate of the aforesaid John Clark, deceased, and also stated to said Court that they had sold the negroes of said estate." Whereupon, the court revoked the original letters of administration granted to the said Abigail Clark, as aforesaid, and granted letters of administration to Neal Smith, the plaintiff. It was in proof, before the jury, that the slaves sued for were carried from the State of Alabama to the State of Mississippi, by one James McDonald, and that the plaintiff had told one of the witnesses, that, in consequence of the said Abigail Clark having married Farrington, and his having caused said negroes to be run off, he (Neal Smith) had obtained the revocation of said Abigail's letters of administration, and obtained the administration in her stead. It appeared, also, in evidence, that some time after the plaintiff had procured letters of administration *de bonus non* in the State of Alabama, that he also procured letters of administration *ad colligendum* of said John Clark's estate, in the State of Mississippi, which was granted him by the probate court of the county of Wilkinson, in said State. It appeared, in evidence, that the county court of Clark county, in the State of Alabama, in August, 1819, had authorized Abigail Farrington, the administratrix of Clark's estate, to sell all the personal property of said estate except the negroes, and it did not appear any order of sale of the slaves of said estate had ever been obtained. The defendant offered no other evidence than a bill of sale, made by James McDonald, of said slaves, to defendants' intestate in the county of Wilkinson and State of Mississippi, of date the 2d of November, 1819, for the consideration of $1,900 30, with the further proof that the consideration was paid in hand at the time of sale, and deemed a full and fair value for the slaves purchased. Upon submission of the case to the jury, the plaintiff's counsel requested the court (in writing) to charge the jury:

1st. That it must appear in evidence to the jury, that Abigail Clark was authorized, by an order of the court in Alabama, to sell the slaves, or she could convey no legal title to the defendant.

2nd. That it must, also, appear by evidence to the jury, that James McDonald was authorized, either by a legal purchase or by a power from the administratrix, to sell the slaves, or his conveyance could not divest the estate of Clark of the legal title in his representatives.

3d. That unless both of the above facts appeared, to wit, the authority of the administratrix to sell, and the authority of McDonald, either by a legal purchase or power of attorney from the administratrix, that the title to the slaves still remained in the legal representatives of John Clark, deceased.

4th. That if the plaintiffs were entitled to recover, they were entitled to the value of the hire of the slaves by way of damages, from the time the slaves came into the possession of Ventress.

The defendants' counsel, also, presented the court with the following points in writing, which they requested the court to give in charge to the jury:

1st. That if the jury shall believe, from the evidence before them, that Abigail Clark became the administratrix of the estate of John Clark, deceased, in the State of Alabama, and, as such administratrix, held and possessed the slaves sued for, till her intermarriage with John Farrington, and that said Farrington and wife, in virtue of the administration of said Abigail, were, also, possessed of the slaves sued for; and that the possession of these defendants, or their testator, of the slaves sued for, was acquired by, through or from the said Farrington and wife, either directly or indirectly: then the plaintiff, as administrator to collect the estate of John Clark, deceased, has no right to recover in this action against these defendants.

2nd. Will charge the jury—if they shall believe, from the evidence, that the slaves sued for in this action were, since the death of said John Clark, held and possessed by Abigail Clark, his administratrix, in the State of Alabama, and that during her administration, she intermarried with John Farrington, and that Farrington and wife possessing said slaves by virtue of the administration of said Abigail, eloigned, wasted, embezzled, sold or otherwise converted or disposed of them, in violation of their duties as administrators of said Clark's estate, by which *devastavit* of said administrators, the slaves sued for passed to the possession of one James McDonald, who brought them to this State and sold them, for a full and *bona fide* consideration, to Lovick Ventress, defendants' testator, who purchased in good faith, and without notice of such *devastavit* of said administrator; then the testator, Lovick Ventress, acquired a good title as against the plaintiff, and the verdict should be for the defendants.

3d. Will charge the jury—that if they believe, from the evidence, the slaves sued for belonged to the estate of John Clark, deceased, at the time of his death, and passed into the possession of his administrators, in the State of Alabama, who embezzled and disposed of the same, in disregard of their duties as administrators; but that defendants' testator, Lovick Ventress, became an innocent purchaser of said slaves (in this State,) for a valuable consideration, without notice of the mal-administration of said Clark's estate in Alabama; then they should find their verdict for the defendants.

The court refused to instruct the jury in all or either of the several points as sought for and requested by the defendants' counsel, as aforesaid; but did charge the jury as requested by the plaintiff, except upon the fourth point; in which the court was of opinion that hire as damages could be recovered only from the commencement of the suit. To which opinion of the court in charging the jury, as requested by the plaintiff's counsel as above, and refusing to charge the jury as by the defendants' counsel requested; the defendants, by their counsel, excepted, before the jurors retired from the box, and prayed that this, their exception, may be signed, sealed, allowed, and enrolled as part of the record in this cause, which is done and ordered accordingly.

POWHATTAN ELLIS, [L. S.]

Afterwards, to wit, at the term last aforesaid, that is to say, on the twenty-seventh day of February, in the year of our Lord, one thousand eight hundred and thirty-four, came the parties aforesaid, by their respective attornies aforesaid, and, therefore, it is considered by the court here, that the said Neal Smith, administrator, as aforesaid, the plaintiff, recover against the said William C. S. Ventress, Abraham M. Feltus, and Ann Eliza Feltus, his wife, executors as aforesaid, the defendants, the said negro slaves, if the said plaintiff can have the same delivered to him; and if the said plaintiff cannot have the same delivered to him, then the aforesaid sum of twenty-three hundred dollars, for the value of

the same, and the said two thousand two hundred dollars, for his damages aforesaid, by the jurors aforesaid, in form aforesaid, assessed; as, also, the sum of two hundred and ninety-three dollars and forty-two cents, to the said Neal Smith, administrator as aforesaid, on his assent, adjudged by the court here, for his costs and charges, by him, about his suit, in this behalf, laid out and expended; and the said William C. S. Ventress, Abraham M. Feltus, and Ann Eliza Feltus, his wife, executors as aforesaid, the defendants, in mercy, &c. And, thereupon, the said defendants, by their attorney, aforesaid, filed the following petition for writ of error, to wit:

Lovick Ventress's executors, *ads.* Neal Smith, administrator, &c., of John Clark, deceased. } District court of the United States, for the district of Mississippi. January term, 1834.

To the honorable Powhattan Ellis, judge of the district court of the United States for the Mississippi district:

Your petitioners respectfully suggest, that in the record and proceedings of the suit of Neal Smith, administrator to collect the estate of John Clark, deceased, against Lovick Ventress's executors, and herewith exhibited, great injury hath been suffered by your petitioners, from the manifest errors, apparent in said record and proceedings; to correct which, they pray a writ of error may be allowed them, returnable to the next supreme court of the United States; and, also, a *supersedeas* of execution upon said judgment, on bond to be given by them, with Levin R. Marshall, as their security, conditioned as the law directs.

JOHN HENDERSON,
Attorney for Lovick Ventress's executors.

Let a writ of error issue, as prayed for, and, also, a supersedeas of execution, awarded on the plaintiff in error entering into bond, with L. R. Marshall as security, in double the amount of the judgment, and otherwise conditioned according to laws.

POWHATTAN ELLIS.

Assignment of Errors.

Lovick Ventress's executors, *ads.* Neal Smith, administrator, &c., of John Clark, deceased. } District court of the United States, for the district of Mississippi. January term, 1834.

And now, at this term, comes the said Lovick Ventress's executors, by John Henderson, their attorney, and say, that in the record and proceedings in this suit, and the giving of judgment, as aforesaid, against them, there is manifest error in this, to wit:

That the matters and things in the record aforesaid exhibited, are not sufficient, in law, for the said Neal Smith, administrator, &c., to have and maintain his aforesaid action thereof against the said Ventress's executors, and that the judgment aforesaid, given for the said Neal Smith, administrator, &c., by the law of the land, should have been given for the said Lovick Ventress's executors. And for special assignment of errors, the said Lovick Ventress's executors set down and show to the court here, the following:

1st. The said district court erred in admitting to the jury the answer of Neil McNair, a witness for the plaintiff, to the 10th cross interrogatory of the defendants, as specified in the defendants' first bill of exceptions.

2d. The said district court erred in charging the jury, as requested by the plaintiff's counsel; and erred in refusing to charge the jury, as requested by the defendants' counsel, as specified and set forth in defendants' second bill of exceptions.

For all which errors, together with other errors in said record and proceedings appearing, the said Ventress's executors pray that the judgment aforesaid may be reversed, annulled, and altogether held for nought, and they, in all things, restored, &c., &c.

JOHN HENDERSON,
Attorney for Ventress's executors.

Copy of Bond.

UNITED STATES OF AMERICA, *district of Mississippi.*

Know all men by these presents, that we, William C. S. Ventress, Abraham M. Feltus, Levin R. Marshall, and James A. Ventress, of the State of Mississippi, are held and firmly bound unto Neal Smith, administrator *ad colligendum* of the goods and chattels, rights and credits of John Clark, deceased, in the just and full sum of nine thousand dollars, lawful money of the United States, to be paid to the said Neal Smith, his lawful attorney, executors, administrators or assigns, for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, and every of them, jointly and severally, firmly by these presents; sealed with our seals, and dated this tenth day of March, A. D. 1834.

The conditions of this obligation is such, that whereas, at a term of the district court of the United States, for the Mississippi district, commenced and held at the city of Natchez, on the fourth Monday of January, A. D. 1834, a judgment was rendered by said court in favor of the said Neal Smith, administrator, as aforesaid, against the said William C. S. Ventress, A. M. Feltus, and Ann Eliza Feltus, his wife, executors of the last will and testament of Lovick Ventress, deceased, for the sum of four thousand five hundred dollars, and costs of suit; and the said William C. S. Ventress, A. M. Feltus, and Ann Eliza, his wife, executors as aforesaid, have sued out a writ of error from the supreme court of the United States, to reverse said judgment. Now if the said William C. S. Ventress, A. M. Feltus, and Ann Eliza, his wife, executors as aforesaid, shall prosecute their said writ of error to effect, and shall well and truly pay and satisfy said judgment, and all such damages, interest, and costs as the said supreme court of the United States shall adjudge in the premises, if they fail to make their plea good, then, and in that case, this obligation to be void, else to remain in full force and virtue.

Sealed and delivered in presence of } (Signed)

W. C. S. VENTRESS. [SEAL.]
A. M. FELTUS. [SEAL.]
L. R. MARSHALL. [SEAL.]
JAMES A. VENTRESS. [SEAL.]

District of Mississippi, ss.

I, William Burns, clerk of the district court of the United States, for the district of Mississippi, do hereby certify that the foregoing twenty pages contain as full, true, and complete a transcript of the record and proceedings had in the cause between the parties therein named, as the same remains of record in my office.

In testimony whereof, I have hereunto set my hand and seal of office, at the city of Natchez, the eighth day of November, A. D. 1834, and in the fifty-ninth year of the independence of the United States.

[SEAL.] WM. BURNS, *Clerk.*

United States of America, ss.

The President of the United States, to the judge of the district court of the United States for the district of Mississippi, greeting:

Because in the record and proceedings, as, also, in the rendition of the judgment, of a plea which is in the said district court, before you, between Neal Smith, administrator *ad colligendum* of all and singular the goods and chattels, rights and credits, of John Clark, deceased, plaintiff, and William C. S. Ventress, Abraham M. Feltus, and Ann Eliza Feltus, his wife, executors of the last will and testament of Lovick Ventress, deceased, defendants, a manifest error hath happened to the great damage of the said William C. S. Ventress, A. M. Feltus, and Ann Eliza Feltus, his wife, executors, as aforesaid, as by their complaint, appears: We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid, in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the supreme court of the United States, together with this writ, so that you have the same at Washington, on the second Monday of January next, in the said supreme court, to be then and there held, that the record and proceedings aforesaid, being inspected, the said supreme court may cause further to be done therein, to correct that error, what of right and according to the law and custom of the United States, should be done.

Witness, the honorable John Marshall, chief justice of the said supreme court, this second Monday of January, in the year of our Lord, one thousand eight hundred and thirty-four, and of the independence of the United States the fifty-eighth.

WM. BURNS,
Clerk of district court U. S. Miss. dist.

Issued 10th March, 1834.

UNITED STATES OF AMERICA, *district of Mississippi, ss.*

The United States of America, to the marshal of the district of Mississippi, greeting:

We command you to cite Neal Smith, administrator *ad colligendum* of all and singular the goods and chattels, rights and credits, of John Clark, deceased, to be and appear before the supreme court of the United States, at a court to be held at the city of Washington, on the second Monday of January next, to show cause, if any he have, why the judgment of the district court of the United States for the Mississippi district, which was rendered at the January term of said court, in the year of our Lord, one thousand eight hundred and thirty-four, in favor of the said Neal Smith, administrator as aforesaid, against William C. S. Ventress, Abraham M. Feltus, and Ann Eliza Feltus, his wife, executors of the last will and testament of Lovick Ventress, deceased, should not be reversed. And herein fail not, and have you then and there this citation.

Given under my hand, at Natchez, this 11th day of March, A. D. 1834.

POWHATTAN ELLIS,
Judge of district court U. S. Miss. dist.

I acknowledge service of this citation.

GEO. WINCHESTER, *Attorney for Smith.*

March 12, 1834.